(42)

HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 5836 OF 2005

PETITIONER: Ku. Kaushilya Mannewar, D/o. Shri Laxmi Prasad Mannewar, Aged about – 20 years, R/o. Bhairav Nagar, Mathepurena Raipur (C.G.)

Vs.

RESPONDENTS:

1. State of Chhattisgarh: Through its Secretary, Department of Adim Jati Thatha Anusuchit Jati Vikas, D.K.S. Bhawan, Raipur (C.G.)
2. Member, Secretary and Commissioner, Jati Praman Patra Uchha Estariya Chhanbin Samiti, Pt. Ravi Shankar Viswavidiyalaya parisar, Raipur (C.G.)
3. Dean, Chhattisgarh Aayurviggyan Sansthhan, Distt-Bilaspur (C.G.)

Present: Shri Vinay Pandey, learned counsel for the petitioner.
Shri Yashwant Singh, learned G.A. for the State.

ORAL ORDER
(Passed on 31st March, 2006)

The complaint in this writ petition is that the Caste Status Certificate issued by the S.D.O. (Revenue), Saraipali certifying that the petitioner belongs to Mannewar Tribe which Tribe is a Scheduled Tribe, has been cancelled by the Caste Scrutiny Committee of Chhattisgarh, at the State level, without issuing any notice to the petitioner to have her say in the matter. The mandatory rule that affected should be appraised before an adverse action is taken, is violated in this case. On that short ground, I allow this writ petition and quash the impugned order of the Caste Scrutiny Committee dated 23.09.2005. However, this order shall not come into the way of the Caste Scrutiny Committee, from taking

appropriate action against the petitioner in accordance with law and after notice to her. No costs.

Sd/-
Chief Justice